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POST-CONFIRMATION TRUST

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

WAYNE BERRY, a Hawaii citizen;

Plaintiff,

vs.

HAWAIIAN EXPRESS SERVICE,
INC., et al.,

Defendants.

) CIVIL NO. CV03-00385 SOM-LEK

) (Copyright)

)

) **DEFENDANT PCT'S MOTION IN**

) **LIMINE TO EXCLUDE THOMAS**

) **UENO**

)

) Judge: Hon. Susan O. Mollway

) Trial Date: February 28, 2006

)

) Hearing Date: February 24, 2006

) Hearing Time: 2:00 p.m.

**DEFENDANT PCT'S MOTION IN LIMINE
TO EXCLUDE THOMAS UENO**

COMES NOW Defendant Post-Confirmation Trust ("PCT") by and through its attorneys, and hereby moves this Honorable Court for an in limine ruling limiting the testimony of his damages expert, Thomas Ueno, to license fee and profit opinions expressed in his supplemental report and prohibiting Ueno from offering supplemental opinions concerning shipping that are simply devoid of factual foundation. Alternatively, the PCT requests a foundational hearing outside the presence of the jury before the Court allows Ueno to testify.

This motion is based upon Rule 7 of the Federal Rules of Civil Procedure and Rules 401, 402, 403, and 404 of the Federal Rules of Evidence, and is supported by the Memorandum in Support of Motion,

Declaration of Damian D. Capozzola, and Exhibits attached thereto and the records and files therein.

DATED: Honolulu, Hawaii, February 17, 2006.

/s/ Thomas H. Yee

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